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**Applicant:** Arthur Willard CHAFFEE

**Title:** INVESTMENT PORTFOLIO TRACKING SYSTEM AND METHOD

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**Examiner:** R. FULTS

**Art Unit:** 2164



## RENEWED PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)



Director of Patents
Washington, D.C. 20231
Attn. Special Programs Examiner
Technology Center 2100

Sir:

Applicant filed a Petition to Make Special under 37 CFR §1.102(d) on 17 October 2001. In a Decision on the Petition dated 19 March 2002, the Office denied the petition and indicated that the petition contained two defects:

1) Failure to indicate that applicant would make an election without traverse if it is determined that the claims are not obviously drawn to a single invention, and

2) Failure to provide a discussion of points distinguishing the claimed invention from the following cited references: Fernholtz (5,819,238), Atkins (5,644,727), Kiyosaki (5,826,878), Chancey (5,842,185), Atkins (5,911,136), and Kolling (5,963,925).

Applicant now submits the present Renewed Petition to Make Special. The present Petition is a revision of the original petition that corrects the defects of the original petition.

Applicant also submits herewith a second preliminary amendment correcting editorial errors in the claims submitted in applicant's first preliminary amendment. The second preliminary amendment has no effect on the distinctions of the claims over the prior art references discussed herein.

(A) Petition and Fee Submitted

Please charge any fee required for this petition to our Deposit Account No. 50-0872.

(B) Applicant Will Not Traverse

Applicant believes that all of the claims of the present application are directed to a single invention. ***If the Office determines that all the claims presented are not obviously drawn to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status.***

(C) Pre-Examination Search Made

A pre-examination search was conducted by a professional patent search firm. The search was conducted in the following areas of classification: Class 705, Subclasses 16, 30, 35, 36, 37, 38 and 39. Furthermore, a key word search was performed on the USPTO Web Patent Database.

(D) Copies of References

From the search results, Applicant has identified the references most closely related to the subject matter encompassed by the claims of the present application as set forth in the preliminary amendment filed concurrently herewith. These references are the same references discussed in applicant's initial petition to make special. The references are as follows:

U.S. Patent No. 4,799,156 to Shavit et al.;
U.S. Patent No. 4,953,085 to Atkins;
U.S. Patent No. 5,819,238 to Fernholz;
U.S. Patent No. 5,875,435 to Brown;
U.S. Patent No. 5,903,881 to Schrader et al.;
U.S. Patent No. 6,173,270B1 to Cristofich et al.;
U.S. Patent No. 5,644,727 to Atkins;
U.S. Patent No. 5,826,878 to Kiyosaki et al.;
U.S. Patent No. 5,842,185 to Chancey et al.;
U.S. Patent No. 5,911,136 to Atkins;
U.S. Patent No. 5,963,925 to Kolling et al.;

These references were previously submitted in an Information Disclosure Statement filed with the initial Petition. Each reference is fully discussed herein as mandated by MPEP 708.02. The references are discussed in the order shown above.

(E) Detailed Discussion of References and Patentability of Claimed Invention

1. Summary of Applicant's Invention

Applicant's invention is directed toward an accounting and financial analysis system in which performance data relating to assets, such as securities, may be calculated and displayed to present accurate and up to date financial reporting. The overall system utilized by applicant is illustrated in Figure 1 and includes a remote server 10 connected to a plurality of users 40 over a communication network such as the internet. The remote server 10 is in turn interconnected, for example by the internet, to a plurality of financial institutions such as brokerage houses where transaction records representing past purchases and sales may be stored. Additionally, current price data is obtained so that the financial statements which are calculated may reflect current pricing. In general, a plurality of different financial institutions may be access by the remote server

which correspond to the different accounts that a particular user may have in each of these financial institutions. The data is presented in a composite form, such as shown in Figure 8 in which the performance data includes the profit/loss activity, as well as a balance sheet showing the assets and liabilities and thus presenting a complete financial position of the user taking into consideration the assets/liabilities from the multiple institutions. The financial positions include net gains/losses, dividends/interests, commissions and costs, margin interest, profit and loss before taxes, state and federal taxes and net worth after taxes. The balance sheet typically includes assets including cash and securities, and the liability side typically includes margin account, margin interest, taxes payable, cash invested and net worth.

In accordance with applicant's independent claim 49, there is recited a method for generating performance data which includes a net worth calculation on investments held in at least one account. The method comprises receiving a request for the performance data from a user over the internet and accessing a first database that is remotely located with respect to the requesting user. The transaction records are located within the first database. The method further includes retrieving transaction records that are necessary to generate the performance data from the first database. These transaction records include data on cash invested and purchases and sales. For example, the purchases and sales may relate to securities and would include information such as the cost basis, commissions, date of purchase, and the like associated with the purchase of the security, as well as comparable data associated with the sale, if any. The method additionally recites accessing a second database in which price data are maintained. It is important to obtain current price data so that an accurate and updated presentation of the net worth may be obtained. The method additionally recites retrieving the price data that is necessary to generate the performance data from the second database and generating the performance data based on the retrieved transaction records and the retrieved price data. The performance data is specifically recited to include tax liability data, balance sheet data, profit/loss data and net worth. The generating step is particularly recited to include the steps of generating the tax liability data; generating the balance

sheet data by automatically calculating entries on assets and liabilities and including the taxed liability data; generating the profit/loss data; and performing a net worth calculation which takes into consideration to the tax liability data. Finally, the method transmits the performance data to the requesting user over the internet. As such, as may be readily seen in applicant's Figure 8, the user is provided with balance sheet information, including tax liabilities, and net worth calculations, which also include tax liabilities as well as current values of assets and liabilities.

In contrast to applicant's independent claim 63, there is provided a computer network for tracking performances of a plurality of assets. The computer network includes a server computer; a plurality of client computers connected to the server computer over an internet connection; and a plurality of databases each associated with a different institution, each database storing transaction records of an asset that is kept at that institution. The server computer is programmed to: receive, over the internet, requests for performance data on an asset from one of the client computers; receive the transaction records for the asset responsive to the request where the transactions records including data on cash invested and purchases and sales; receive price data that are necessary to generate the performance data; generate the performance data, including net worth, based on the transaction records and the price data; and transmit, over the internet, the performance data to the requesting client computer. Generation of the performance data includes: (1) generating tax liability data, (2) generating a balance sheet by automatically calculating entries on assets and liabilities including said tax liability data, (3) generating profit/loss data, and (4) performing a net worth calculation which takes into consideration said tax liability data.

In contrast to applicant's independent claim 69, the applicant's invention is directed toward a method of producing performance data including net worth and a balance sheet for investments and includes the steps of: inputting transaction information by a user into a local terminal; transmitting the transaction information from the local terminal over an internet connection to a remote server; receiving in the remote server the transaction information from

the user; automatically retrieving, by the remote server, transaction records of the investment, the transaction records including data on cash invested and prior purchase and sale data; automatically accessing and retrieving by the remote server price data corresponding to a current price of currently held and previously purchased investments; automatically calculating tax liabilities based on the input transaction information; automatically calculating by the remote server entries on an assets and liability side of the balance sheet based on the transaction records, price data, tax liabilities and transaction information; and automatically calculating a net worth of the user based on the transaction records, price data, tax liabilities and transaction information; and transmitting said performance data to said user over the internet connection.

2. Shavit, Patent 4,799,156.

Shavit discloses an interactive market management system (IMM) which is connected to a central processor 80 and subsequently connected to a plurality of computers 52, 54, 56 as illustrated in Figure 1. The system permits users such as buyers and sellers remotely located with respect to one another to conduct business transactions and to communicate with databases on other computing systems from a variety of remote terminals. Users may subscribe to the system or may simply utilize the system as non-subscribers. The organizational relationship between the market participants as shown in Figure 2 and is seen to include distributors 83, suppliers 84 and their agents 98 together with buyers 82, freight service providers 86, financial service providers 96, etc. These subscribing distributors may provide their customers with more convenient and more efficient ways to purchase goods. A particular buyer may request a transaction with a particular distributor. Indeed, this latter feature appears to be the novel point of the Shavit patent such that a particular buyer or seller can specifically select the other party in an interactive on-line processing procedure to conduct a business transaction. The patent only briefly mentions financial transactions in column 9, lines 35-42. The patent briefly mentions that on-line inquiry services may allow a user to access every financial transaction in which the user participates. In addition, the system allows on-line access to

balances and statement information and also provides both detailed financial reports and summaries, which may be printed on a user's remote terminal or submitted to the user by first class mail.

Shavit does not disclose the method for generating performance data recited in claim 49, including receiving a request through the internet for performance data, accessing the first database to obtain transaction records, and retrieving the transaction records that include data on cash invested at purchases and sales. Nor does Shavit disclose accessing the second database at which price data is maintained, retrieving the price data, generating the performance data based on the retrieved transaction records and the retrieved price data and transmitting the performance data to the requesting user over the internet. Moreover, Shavit does not teach generating tax liability data, generating balance sheet data by automatically calculating entries on assets and liabilities including tax liability data, generating profit/loss data, or performing a net worth calculation which takes into consideration the tax liability data all of which limitations are recited in applicant's independent claim 49.

In contrast to applicant's independent claim 63, Shavit does not disclose the plurality of client computers connected to the server computer over the internet, the plurality of databases each associated with a different institution and each database storing transaction records of an asset that is kept at the institution, where in the server computer is programmed to receive requests over the internet for performance data on the asset, receive the transaction records for the asset responsive to the request, wherein the transaction records include data on cash invested in purchases and sales, retrieve price data are necessary to generate the performance data, generate the performance data including net worth based on the transaction records and the price data and transmitting the price data to requesting client computer. Moreover, Shavit does not disclose generating the tax liability data, balance sheet data by automatically calculating entries on assets and liabilities including tax liability data, generating profit/loss data and performing a net worth calculation which takes into consideration the tax liability data, all of which limitations are recited in applicant's independent claim 63.

Further, in contrast to applicant's independent claim 69, Shavit does not disclose inputting transaction information by a user into a local terminal, transmitting the transaction information from the local terminal over an internet connection to a remote server, receiving in the remote server the transaction information from the user, automatically retrieving, by the remote server, transaction records of the investment wherein the transaction records include data on cash invested and prior purchases and sale data, automatically accessing and retrieving by the remote server price data corresponding to a current price of previously purchased investments, automatically calculating tax liabilities based on the input transaction information, and automatically calculating by the remote server entries on an asset and liability side of the balance sheet based on the transaction records, price data, tax liabilities and transaction information, automatically calculating the net worth of the user based on the transaction records, price data, tax liabilities and transaction information and transmitting the performance data to the user over the internet connection.

3. Atkins, Patent 4,953,085

Atkins '085 is directed toward a personal financial management program concerning investments in an array of asset accounts and credit facilities. The central structural element of the financial account is a mortgage which is secured by the client's home and one or more assets. As illustrated in Table 1 (see column 5, line 15), the system permits a client to increase investments and asset accounts 16 (see Figure 1) instead of decreasing the principal of the mortgage 12. Thus, by permitting the client to invest monies which would normally go to paying down the conventional mortgage, the assets of the client can be increased and consequently the client's net worth. Table 1 illustrates that when the amortization payment of $3,334.00 which would normally be paid to the conventional mortgage is instead applied to a pension account investment, the result is an increase in net worth as illustrated in the last line of Table 1. Similar increases to the net worth are illustrated in other examples of Tables 2 and 3.

The overall structure of the financial management system is illustrated in Figure 1. The financial management system is named HOPE, standing for Home Owners Preferred Equity. The HOPE mortgage 12 is the center of the Atkins disclosure and it may be seen that this HOPE mortgage is connected to the client's home 14 to other assets 16 which are input into the HOPE mortgage system, as well as other liabilities 18 which may also be input and taken into consideration. Hardware elements of the system are shown in Figure 2 and are seen to comprise a central computer 220 interconnected to a plurality of personal computers 222, 224, 226, 228 and 230. These computers may correspond to branch terminals of financial institutions, the HOPE account manager and the client personal computer. Assets that are to be utilized to collateralize the loan as supplements to the owner's home must be input into the system and liabilities associated therewith must also be input. Any new transaction concerning these assets must be scrutinized first so that various account balances and ratios may be checked against required minimum amounts as dictated by the financial institutions and appropriate regulatory authorities. See column 17, lines 6-31. Further, assets and liabilities of the user may also be checked or updated to determine whether a proposed transaction would be acceptable. For each asset, certain loan to value ratios are established and a minimum borrowing power is calculated to the client account. The system then calculates a borrowing power for the client account by calculating, for each asset, an asset loan value equal to the product of the asset value and loan to value ratio and summing the asset loan values after deducing all liabilities. The result is compared with the minimum borrowing power to determine if the transaction can take place. (See, for example, Atkins' claim 1).

Atkins makes some general discussions as to providing the client with sources and uses of fund statements, personal balance sheets indicating the market value of assets and liabilities in each category and illustrating the individual's net worth, a profit and loss report indicating net income for the period and the year-to-date, and an income and expense report comparing actual results to budgeted amounts. See column 9, lines 1-7, column 10, lines 23-50 and column 20, lines 1-6. In contrast to the disclosure of Atkins, applicant's

claims, inter alia, are directed to generating performance data which includes net worth calculation and takes into consideration the tax liability which is associated with the transaction being considered (e.g., an actual or hypothetical sale) and generates balance sheet data by automatically calculating entries on the assets and liabilities side of the balance sheet and includes the tax liability data. The net worth calculation also includes the tax liability data so that the user may be informed of his/her "true" net worth and of the "true" performance data associated with the underlying assets.

Thus, it may be seen that Atkins does not disclose applicant's invention as recited in independent claim 49 which recites a method of generating performance data including a net worth calculation on investments held in at least one account, wherein the method includes: receiving a request for the performance data including the net worth calculation from a user over the internet; accessing a first database that is remotely located with respect to the requesting user, in which transaction records of the at least one account are maintained; retrieving transaction records that are necessary to generate the performance data from the first database, the transaction records including data on cash invested and purchases and sales; accessing a second database in which price data are maintained; retrieving the price data that are necessary to generate said performance data from said second database; generating the performance data based on the retrieved transaction records and the retrieved price data, wherein the performance data includes (1) tax liability data (2) balance sheet data, (3) profit/loss data and (4) net worth and wherein the method (1) generates the tax liability data (2) generates the balance sheet data by automatically calculating entries on assets and liabilities including the tax liability data, (3) generates the profit/loss data, and (4) performs a net worth calculation which takes into consideration the tax liability data. Finally the method transmits the performance data to the requesting user over the internet.

Applicant's independent claim 63 is comparable to applicant's independent claim 49, but is recited in the form of a computer network which includes a server computer, a plurality of client computers connected to the server computer over an internet connection and a plurality of databases which

are associated with different institutions, each database storing transaction records of an asset that is kept in that institution. The server is programmed to receive, over the internet, the performance request, receive the transaction records, receive price data necessary to generate the performance data, generate the performance data including net worth based on transaction records and the price data and transmitting the performance data to the requesting client computer. Generating the performance data includes generating the tax liability, generating balance sheet data by automatically calculating entries on assets and liabilities, including the tax liability, generating profit/loss data and performing a net worth calculation which takes into consideration the tax liability data.

Applicant's independent claim 69 recites similar steps of retrieving transaction records and price data and automatically calculating the tax liabilities, balance sheet data and net worth data, the latter two of which take into consideration the tax liabilities. Moreover, claim 69 includes steps of inputting the transaction information by a user at a local terminal and transmitting the transaction information from the local terminal over a computer network to a remote server. The remote server receives the transaction information from the user and automatically retrieves transaction records of the investment wherein the transaction records includes data on cash invested and prior purchases and sale data.

4. Fernholz Patent 5,819,238

Fernholtz discloses an apparatus and method for automatically modifying a financial portfolio, such as an index fund. The patent discloses dynamically re-weighing positions of each of the securities in a manner proportional to a non-constant function of current capitalization weighs of the securities held within the index. The patent discusses two general types of index funds, namely passive funds and enhanced funds. Passive index funds merely reflect the corresponding index of interest, whereas enhanced indexed funds replace passive index weighing by the manager's own weighing preferences. The invention is a type of enhanced index fund, but utilizes cost saving features associated with electronic format and integration into various existing

computerized financial networks. System finances are handed electronically to save costs. For example, dividends are sent to custodial banks to update cash balances in each portfolio to reflect such dividend payments. (See Column 12, lines 15-25). Fernholz mentions providing a user with updated account information after financial transactions such as a transfer (see Fig. 6B and column 12, lines 12-25).

Fernholz does not disclose applicant's invention. In particular, Fernholz does not disclose applicant's claimed method or computer network which are directed to an internet based management system for investments and permits a user to track performance of investments that are kept in one or more accounts thereby generating a comprehensive accounting and financial reporting package. In applicant's invention, these investments may, for example, be securities and the accounts may, for example, be trading accounts from brokerage firms. In particular, applicant's method (and corresponding apparatus) involves utilizing a remote server (element 10 of Figure 1) to receive requests from a user (element 40 of Figure 1) over an internet connection (element 50) and the remote server in turn is interconnected to the plurality of financial institutions, such as the brokerage databases 60 to retrieve transaction records that are necessary to make the desired calculations and reports. These transaction records are stored in a first database of at least one internet connected financial institution/brokerage house and are typically stored in first databases of a plurality of such institutions/brokerage houses. In order for the net worth and other financial data to be current, a second database (element 80 in Figure 1) is accessed in order to obtain the current price of the particular asset, e.g., the current price of the security. Once the remote server has obtained the transaction records associated with a particular user and the current price data associated with the various assets corresponding to the transaction records, the server generates performance data based on the retrieved transaction records and the retrieved price data. The performance data which is calculated includes tax liability data, balance sheet data, profit/loss data and net worth data. Significantly, the net worth data take into consideration the tax liabilities. Utilizing such data, tax reports are generated, balance sheet data is generated by

automatically calculating entries on assets and liabilities, including the tax liability data, profit/loss data is calculated and a net worth is calculated which takes into consideration the tax liability data. Finally, the performance data which has been calculated in the server is transmitted to the requesting user over the internet.

Thus, it may be seen that Fernholz does not disclose applicant's invention as recited in independent claim 49 which recites a method of generating performance data including a net worth calculation on investments held in at least one account, wherein the method includes: receiving a request for the performance data including the net worth calculation from a user over the internet; accessing a first database that is remotely located with respect to the requesting user, in which transaction records of the at least one account are maintained; retrieving transaction records that are necessary to generate the performance data from the first database, the transaction records including data on cash invested and purchases and sales; accessing a second database in which price data are maintained; retrieving the price data that are necessary to generate said performance data from said second database; generating the performance data based on the retrieved transaction records and the retrieved price data, wherein the performance data includes (1) tax liability data (2) balance sheet data, (3) profit/loss data and (4) net worth and wherein the method (1) generates the tax liability data (2) generates the balance sheet data by automatically calculating entries on assets and liabilities including the tax liability data, (3) generates the profit/loss data, and (4) performs a net worth calculation which takes into consideration the tax liability data. Finally the method transmits the performance data to the requesting user over the internet.

Independent claim 63 is analogous to independent claim 49 but is recited in the form of a computer network which includes a server computer, a plurality of client computers connected to the server computer over an internet connection and a plurality of databases which are associated with different institutions, each database storing transaction records of an asset that is kept in that institution. The server is programmed to receive, over the internet, the performance request, receive the transaction records, receive price data

necessary to generate the performance data, generate the performance data including net worth based on transaction records and the price data and transmitting the performance data to the requesting client computer. Generating the performance data includes generating the tax liability, generating balance sheet data by automatically calculating entries on assets and liabilities, including the tax liability, generating profit/loss data and performing a net worth calculation which takes into consideration the tax liability data.

Independent claim 69 recites similar steps of retrieving transaction records and price data and automatically calculating the tax liabilities, balance sheet data and net worth data, the latter two of which take into consideration the tax liabilities. Moreover, claim 69 includes steps of inputting the transaction information by a user at a local terminal and transmitting the transaction information from the local terminal over a computer network to a remote server. The remote server receives the transaction information from the user and automatically retrieves transaction records of the investment wherein the transaction records includes data on cash invested and prior purchases and sale data.

5. Brown Patent 5,875,435

Brown discloses an automated accounting system for use by a first entity which may be an individual or a business. A file associated with the first entity contains a plurality of data inputs which are electronically recorded transactions between the first entity and other entities. For example, a building contractor may purchase a $500.00 window and pay by check or credit card. If a check is utilized, the contractor enters on the face of the check standardized codes which identify a preferred accounting treatment of the window purchased and would specifically identify the type of window purchased (3 feet wide by 4 feet tall, double-hung window), the use category of the item purchased, the specific job for which the item was purchased and any depreciation and expense parameters. Such information would be entered utilizing the standardized codes. Credit card purchases would be registered in the contractor's credit card payable ledger and categorized and processed. Access to the file of the first entity may

be had by agents of the first entity, such as accountants, which may have access to the data for entering, deleting, reviewing, adjusting and processing. Various tax reports may be prepared. P/L analysis and critical path decisions may be made and the first entity may dynamically control depreciation, amortization, suspense accounts, expense/income levels, principal, interest, P/L, etc. (Column 10, lines 47-55). The example of the purchase of the double-window is set forth in column 8, line 35 through column 9, line 60. Brown discusses updating balance statements regularly (see column 6, lines 38-58) and providing a user with automatic updating after a financial transaction (see column 7, lines 23-40).

While Brown utilizes a computer based system for interconnecting a first user such as a business or individual to multiple institutions, Brown does not teach the internet based investment management system which provides, according to claim 49, for example, first and second databases, wherein the first database stores transaction records and the second database stores current price data and wherein the performance data is calculated which includes net worth calculations taking into consideration tax liability and provides the user access to a complete financial package over the internet which includes both tax liability, balance sheet, profit and loss, and net worth, which includes the tax liability data.

Claim 63 is comparable to claim 49, but is recited in the form of a computer network which includes a server computer, a plurality of client computers connected to the server computer over an internet connection and a plurality of databases which are associated with different institutions, each database storing transaction records of an asset that is kept in that institution. The server is programmed to receive, over the internet, the performance request, receive the transaction records, receive price data necessary to generate the performance data, generate the performance data including net worth based on transaction records and the price data and transmitting the performance data to the requesting client computer. Generating the performance data includes generating the tax liability, generating balance sheet data by automatically calculating entries on assets and liabilities, including the tax liability, generating

profit/loss data and performing a net worth calculation which takes into consideration the tax liability data.

Claim 69 recites similar steps of retrieving transaction records and price data and automatically calculating the tax liabilities, balance sheet data and net worth data, the latter two of which take into consideration the tax liabilities. Moreover, claim 69 includes steps of inputting the transaction information by a user at a local terminal and transmitting the transaction information from the local terminal over a computer network to a remote server. The remote server receives the transaction information from the user and automatically retrieves transaction records of the investment wherein the transaction records includes data on cash invested and prior purchases and sale data.

6. Schrader Patent 5,903,881

Schrader is directed toward an online banking system which provides an integrated user interface having three simultaneously displayed items of information. These items include a transaction instruction list, a list of uncleared transactions and a list of cleared transactions. The transaction instructions contain various details such as a description of the transaction and/or an amount of the transaction. The transaction instructions are sent by the user to a financial institution such as a bank or a clearing house and direct payment of a bill, transfer of funds and alike. See column 6, lines 1-12. The uncleared transaction contains the transaction instructions that had been sent to the financial institution for processing but had not yet been reported as cleared, and also contains instructions generated by the user such as check writing, ATM transactions, debit card transactions and the like. Transaction instructions are removed from the first display area and listed in the second display area as an uncleared transaction. Column 6, lines 15-23. Balance sheets may be updated once a financial order is completed (see column 11, lines 62-67 and column 12, lines 1-27).

The cleared transactions are listed in the third display area and are determined from data received by the user from the financial institution holding the user's account. The program permits integration of information from

account balances and bill payments without the need to navigate between multiple different modules or user interfaces. The user thus knows that the account balance as known by the financial institution and the combined balance taken into consideration uncleared transactions.

Thus it is seen that Schrader does not disclose applicant's invention claimed in claim 49, in which tax liability data, balance sheet data, profit/loss data and net worth data are generated using transaction data from a first database and price data from a second database to generate performance data.

Similarly, claim 63 recites a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data, none of which is taught by Schrader.

Claim 69 similarly recites a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data, none of which is taught by Schrader.

7. Cristofich Patent 6,173,270

Christofich is directed to a stock option control and exercise system which implements the plans for multiple client companies providing several distinct modes for option exercise by the participants. The program tracks and manages a plurality of individual accounts, current stock pricing, individual biographic data, company option plans and current withholding and other tax requirements. As described in column 13 beginning at line 2, the disclosure also simulates tax consequences of an option exercise prior to actual implementation of the option transaction. Column 5, lines 7-39 discusses cost which include withholding taxes brokerage services and commissions. In column 15 beginning at line 35 there is a discussion about screens accessible to a broker or to the participant on the web portion of the internet. The screens display the total exercise cost, share/cash withholding and residual SAR proceeds.

Therefore, Cristofich does not disclose applicant's invention claimed in claim 49, in which performance data is generated by generating tax liability data,

balance sheet data, profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

Similarly, claim 63 recites a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data, none of which is taught by Cristofich.

Claim 69 similarly recites a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data, none of which is taught by Cristofich.

8. Atkins Patent 5,644,727

Atkins '727 is a continuation in part of the Atkins '085 patent discussed above. The Atkins '727 patent is different from the Atkins '085 patent in that it includes the additional matter that begins at Figure 14a of the figures, and corresponding description, most notably the text beginning at column 57, line 16. Atkins '727 also has expanded background and summary sections. In addition, the Atkins '727 discussion of the basic Atkins mortgage instrument and operation of financial accounts based around that instrument is supplemented with additional tables and description that demonstrate the effects of the Atkins system (see, e.g., table 10 at col. 21, table 12 at col. 23).

The portion of Atkins '727 that is the same as Atkins '085 is distinguished from the present claims for the same reasons as described above. In particular, Atkins '727, likes Atkins '085, makes some general discussions as to providing the client with sources and uses of fund statements, personal balance sheets indicating the market value of assets and liabilities in each category and illustrating the individual's net worth, a profit and loss report indicating net income for the period and the year-to-date, and an income and expense report comparing actual results to budgeted amounts. In contrast, applicant's claims, inter alia, are directed to generating performance data which includes net worth calculation and takes into consideration the tax liability which

is associated with the transaction being considered (e.g., an actual or hypothetical sale) and generates balance sheet data by automatically calculating entries on the assets and liabilities side of the balance sheet and includes the tax liability data. The net worth calculation also includes the tax liability data so that the user may be informed of his/her "true" net worth and of the "true" performance data associated with the underlying assets.

The portion of Atkins '727 that has been supplemented from the original relates to the basic Atkins mortgage instrument and operation of financial accounts based around that instrument. This portion of Atkins '727 includes tables (e.g. Tables 10 and 12) that provide net worth calculations. However, it will be seen in the corresponding text that these tables do not performance data that is generated by the Atkins system; rather, the tables contain example data that is used to illustrate how an individual's net worth can be increased by following the Atkins system. Thus the tables do not represent actual performance reports generated by the Atkins system, and in fact Atkins does not teach any manner for generating such information.

The new portion of Atkins '727 that relates to new Figures 14a-22d describes a "smart card," "smart wallet," or "smart purse" that is essentially a small computing device that can be used by a consumer to access funds held by the consumer in order to make purchases and the like. Figures 14a-14e and the corresponding text describe verification processing that is used as a security measure for transactions made with the smart card. Figures 15-20 and the corresponding text describe the hardware and internal processing of the smart card. The new portions of Atkins '727 do not teach anything of particular relevance to applicant's present claims. Notably, these new portions of Atkins '727 do not provide any additional teaching of any methods of determining performance information or net worth for assets held by the user, nor do the new portions of Atkins '727 provide any additional teaching of any type of report generation that could be considered similar to the information

Thus, like the Atkins '085 patent, Atkins '727 does not disclose applicant's invention as recited in independent claim 49, which recites generating performance data by generating tax liability data, balance sheet data,

profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

With regard to claim 63, Atkins '727 does not teach a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data.

With regard to claim 69, Atkins '727 does not teach a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data.

9. Kiyosaki Patent 5,826,878

Kiyosaki is directed toward a board game for teaching the principles of personal finance. The object of the game is to advance from the "rat race" (a position in the game characterized by low income) to the "fast track" (a position in the game characterized by high income and extensive investments) by managing income and investments. Players earn salary as well as investment income, and scores are determined by applying the basic rules of accounting to each player's assets and liabilities. The score is tracked on a game card that is configured as a combined income/balance sheet. An example of the game card is shown in Figure 14.

Because Kiyosaki is directed to a board game, it does not teach anything of particular relevance to the present claims. With regard to claim 49, Kiyosaki does not teach generating performance data by generating tax liability data, balance sheet data, profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

With regard to claim 63, Kiyosaki does not teach a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data.

With regard to claim 69, Kiyosaki does not teach a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data.

10. Chancey Patent 5,842,185

Chancey discloses a system and method that provides an electronic credit card statement that a user may inspect and verify prior to paying a credit card bill. The verification process is shown in Figure 3. In that process, transactions are individually processed by the system through a series of decisions (36), (40), (46) that assign a merchant or category to each transaction, and the statement is then displayed (52) to allow the user to accept (54) the statement. This enables the system to verify that the electronic form of the transaction has not been altered since its creation and therefore correctly reflects the transaction in the original statement.

Chancey does not disclose anything of particular relevance to applicant's invention claimed in claim 49, in which performance data is generated by generating tax liability data, balance sheet data, profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

Similarly, claim 63 recites a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data, none of which is taught by Chancey.

Claim 69 similarly recites a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data, none of which is taught by Chancey.

11. Atkins Patent 5,911,136

The Atkins '136 patent is a continuation of the Atkins '085 patent discussed above. The figures and text of the Atkins '136 patent are the same

as the figures and text of the Atkins '085 patent (it is noted that the physical text of Atkins '136 is slightly shorter due to formatting differences). Therefore the distinctions of the present claims that were discussed with respect to the Atkins '085 patent are equally applicable to the Atkins '136 patent. In particular, it is noted that Atkins '136 makes some general discussions as to providing the client with sources and uses of fund statements, personal balance sheets indicating the market value of assets and liabilities in each category and illustrating the individual's net worth, a profit and loss report indicating net income for the period and the year-to-date, and an income and expense report comparing actual results to budgeted amounts. In contrast, applicant's claims, inter alia, are directed to generating performance data which includes net worth calculation and takes into consideration the tax liability which is associated with the transaction being considered (e.g., an actual or hypothetical sale) and generates balance sheet data by automatically calculating entries on the assets and liabilities side of the balance sheet and includes the tax liability data. The net worth calculation also includes the tax liability data so that the user may be informed of his/her "true" net worth and of the "true" performance data associated with the underlying assets.

Thus, like the Atkins '085 patent, it may be seen that Atkins '136 does not disclose applicant's invention as recited in independent claim 49 which recites generating performance data by generating tax liability data, balance sheet data, profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

With regard to claim 63, Atkins '136 does not teach a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data.

With regard to claim 69, Atkins '136 does not teach a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data.

Inasmuch as all of the requirements for special status under M.P.E.P. 708.02 VIII have now been met, it is respectfully requested that the application be granted special status and examined accordingly.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

12. Kolling Patent 5,963,925

Kolling is directed to a system that interfaces with a merchant's legacy billing system to generate electronic billing statements. As shown in Figure 3, the system includes work stations for authoring and validating bill templates (210, 218), a workstation for interfacing with the legacy system (208), and a workstation for generating electronic bills (222). Electronic bills are sent to consumer financial institutions (130), from which they are passed on to individual consumers (140). Communication among the workstations is controlled by a central site switch. As shown in Figure 5, the electronic bill may include mandatory portions and optional portions. The electronic bills generated by this system show simple statements of account, examples of which are shown in Figures 10, 13 and 14.

Kolling does not teach applicant's invention claimed in claim 49, in which performance data is generated by generating tax liability data, balance sheet data, profit/loss data and net worth data using transaction data from a first database and price data from a second database to generate performance data.

Similarly, claim 63 recites a computer network that generates performance data by calculating tax liability data, balance sheet data, profit/loss data and net worth data are generated using received transaction data and received price data, none of which is taught by Kolling.

Kolling also fails to teach the features of claim 69, which recites a method of producing performance data that includes calculating tax liability data, balance sheet data, profit/loss data and net worth data using received transaction data and received price data.